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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,243	04/14/2004	Ho Kee Herbert Law	50T5479.01	6425

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EXAMINER

AMADIZ, RODNEY

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,243

Applicant(s)

LAW ET AL.

Examiner

Rodney Amadiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5; 7, 8, 18-23 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mak (USPGPUB 2004/0085289—herein referred to as “Mak”).

As to **Claim 1**, Mak teaches an apparatus for interfacing with a user comprising: a first manipulandum (***Fig. 3, Reference Number 310 and Pg. 3, ¶ 38***) to provide a first type of input from the user to a computer program; and a second manipulandum (***Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶'s 38-42***) disposed in close proximity to the first manipulandum to provide a second type of input from the user to the computer program.

As to **Claim 18**, Mak teaches a method for interfacing a user and a computer program comprising: coupling a joystick to a computer interface to provide first input from a user to a computer program executing on a computer (***Fig. 3, Reference Number 310 and Pg. 3, ¶ 38***); coupling a joy pad to a computer interface to provide second input from a user to the computer program executing on the computer (***Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶'s 38-42***);

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and disposing the joystick in close proximity to the joy pad so that a single user's digit can manipulate both the joystick and one or more buttons or positions on the joy pad **(See Fig. 3—note that the apparatus is a phone which is a compact device and lends itself to this type of operation).**

As to Claim 27, Mak teaches an electronic control device comprising: a joystick **(Fig. 1, Reference Number 310 and Pg. 3, ¶ 38)**; and a joy pad positioned around the joystick **(Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶'s 38-42).**

As to Claims 2 and 4, Mak teaches the first manipulandum comprising a joystick **(Fig. 3, Reference Number 310 and Pg. 3, ¶ 38).**

As to Claim 3, Mak teaches the second manipulandum comprising a joy pad **(Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶'s 38-42).**

As to Claim 5, Mak teaches the first type of input comprises directional input parallel to a base plane **(Pg. 3, ¶ 38—note that the joystick is “moved”)** and the second type of input comprises directional input perpendicular to the base plane **(Pg. 3, ¶ 38—note that the directional keys are “pressed”).**

As to Claim 7, Mak teaches the joy pad including one or more inputs **(Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶'s 38-42).**

As to Claims 8 and 20, Mak teaches the joystick extending upward vertically from a center of the joy pad **(See Fig. 3).**

As to **Claim 19**, Mak teaches performing predetermined operations in the computer program from a combination of inputs from both the joystick and the joy pad (*Pgs. 3-4, ¶'s 38-42*).

As to **Claims 21-23**, Mak teaches the joy pad including a plurality of inputs disposed in a cross pattern, circular pattern and a star pattern (*See Fig. 3 and note the positions of elements 306a-306b and 308a-308b*).

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al. (U.S. Patent 6,977,811—herein referred to as "Fleck").

As to **Claim 1**, Fleck teaches an apparatus for interfacing with a user comprising: a first manipulandum (*Fig. 3, Reference Number 300 and Col. 4, lines 40-58*) to provide a first type of input from the user to a computer program; and a second manipulandum (*Fig. 3, Reference Numbers 302-308 and Col. 5, lines 1-49*) disposed in close proximity to the first manipulandum to provide a second type of input from the user to the computer program.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6, 9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mak in view of Motoki et al. (U.S. Patent 6,752,758—herein referred to as “Motoki”).

As to **Claim 6**, Mak teaches that the second type of input comprises a discrete input (**Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶’s 38-42**). Mak; however, fails to teach the first type of input comprising continuous input. Examiner cites Motoki to teach an analog joystick capable of inputting continuous input (**Motoki—Fig. 18, Reference number 145 and Col. 18, line 64—Col. 19, line13**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of an analog joystick as taught by Motoki in the input device taught by Mak in order to provide the device with a greater degree of freedom to function.

As to **Claim 9**, Mak fails to teach the joystick including a circular top. Examiner cites Motoki to teach a joystick with a circular top (**Fig. 18, Reference Number 128 and 145a and Figs. 19A-19D**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a circular top for a joystick as taught by Motoki in the input device taught by Mak in order to provide a comfortable touching surface for a user’s thumb.

As to **Claim 12**, Mak teaches an apparatus for interacting with a computer comprising: a multifunction switch including a plurality of buttons to accept one or more discrete inputs from the user (**Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶’s 38-42**); and a joystick input device disposed in close

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proximity to the multifunction (**Fig. 3, Reference Number 310 and Pg. 3, ¶ 38**). Mak; however, fails to teach the joystick accepting continuous input from the user. Examiner cites Motoki to teach an analog joystick accepting continuous input from a user (**Motoki—Fig. 18, Reference number 145 and Fig. 24—note user operating Reference Number 202 and Col. 18, line 64—Col. 19, line 13**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of an analog joystick as taught by Motoki in the input device taught by Mak in order to provide the device with a greater degree of freedom to function.

As to **Claim 13**, Mak teaches the joystick disposed in a center of the multifunction switch (**Note Fig. 3**).

As to **Claims 14-16**, Mak teaches the joy pad including a plurality of inputs disposed in a cross pattern, circular pattern and a star pattern (**See Fig. 3 and note the positions of elements 306a-306b and 308a-308b**).

6. Claims 10, 11, 17, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mak and Motoki as applied to claims 6, 9, 12-16 and 18 above, and further in view of Fleck.

As to **Claims 10, 17 and 24**, Mak teaches the joy pad including one or more inputs (**Mak—Fig. 3, Reference Numbers 306a-306b and 308a-308b and Pgs. 3 and 4 and ¶'s 38-42**). Motoki teaches the joystick knob with a circular top (**Fig. 18, Reference Number 128 and 145a and Figs. 19A-19D**). Mak, as modified by Motoki, however, fails to teach the circular top having a radius that extends almost to a

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beginning of the one or more inputs of the joy pad, whereby a user can move the joy stick and depress one input of the joy pad with a single digit. Examiner cites Fleck to teach an input device having a radius that extends almost to a beginning of the one or more inputs of the joy pad, whereby a user can move the joy stick and depress one input of the joy pad with a single digit (*Fleck—Fig. 1, Reference Number 112, Fig. 3, Reference Numbers 300-308 and Fig. 8 and Col. 4, lines 61-65 and Col. 5, lines 1-49*). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to form an input device relatively close to a keypad as taught by Fleck in the input device taught by Mak and Motoki so that the user would not have to reposition his fingertips across the keyboard to actuate a key (*Fleck—Col. 5, lines 13-25 and 35-49*).

As to Claims 11 and 25, Motoki teaches the circular top/knob including a beveled edge (*Fig. 18, Reference Number 128 and 145a and Figs. 19A-19D*).

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mak in view of Harding et al. (U.S. Patent 6,184,869—herein referred to as “Harding”).

As to Claim 26, ^{Mak}Harding fails to teach the joy pad including a touch pad. Examiner cites Harding to teach an input device having multi-directional detection devices that can be simultaneously operated wherein a touch pad is used in conjunction with joysticks and other multi-directional devices (*Col. 5, line 63—Col. 6, lines 21*). At the time the invention was made, it would have been obvious to a person of ordinary

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skill in the art to incorporate the use of a touch pad as taught by Harding in the input device taught by Mak in order to produce more accurate detection.

Inquiries


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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